

FREQUENTLY ASKED QUESTIONS – VOUCHERS

Parent Revoked Consent: How do I correctly answer the “Student Eligible for Special Education” section?

Can the review of existing data be done without parent consent?

If the parent cannot be located, do I need to get a surrogate parent?

Transfer to Another RTC: Why is the exit date one day before the actual exit date?

Review of Existing Data: If a student EXITS the RTC after the Initial/Extension periods of enrollment but before an RED is started, is the home school district still responsible for further review or completing an HSD packet?

Promotion to High School: A student is placed in an RTC during the summer months after he was promoted to the ninth grade. Which school district is responsible for the HSD packet?

Who should be on the team for the review of existing data?

When a school district makes multiple attempts to contact the RTC but does not receive a response, can the MET be written without the RTC input. (The residential treatment center has not returned phone calls or e-mails for us to complete the present levels, teacher information, or vision and hearing results or agree to a time to hold a MET meeting.)

Is the RTC representative a part of MET team? Should the representative write a section of an integrated report?

The school district’s concern is that the student’s evaluation is due and the team needs to hold the MET meeting. Is the school district allowed to submit the paperwork without the RTC attending the MET?

Why do I have to do an evaluation?

Why do I have to pay if I do not complete the necessary paperwork, including the review of existing data?

A student was found ineligible for IDEA but eligible for a 504 plan. What is required?

An 18-year-old student has obtained his GED. Does the HSD have educational obligations?

A student's IEP includes that student should be receiving speech services for 30 minutes per week, but the RTC does not offer speech services. What is the requirement for this?

Who is responsible for monitoring the educational services while a student is in a residential facility?

Who is responsible for the IEP while the student is in the RTC?

Parent Revoked Consent: How do I correctly answer the “Student Eligible for Special Education” section? The student was receiving special education services until the parents revoked their consent for services. Would the HSD check yes or no for “Student Eligible for Special Education” section?

Check *no* and include: the old MET, the document that revoked consent, and the prior written notice that was written when the parent revoked consent.

1. Can the review of existing data be done without parent consent?

a. Parental Consent for Initial Evaluation:

- i. The public agency proposing to conduct an initial evaluation to determine if a child qualifies as a child with a disability under 34 CFR §300.8 must, after providing notice consistent with §§300.503 and 300.504, obtain informed consent, consistent with §300.9, from the parent of the child before conducting the evaluation.
- ii. Parental consent for initial evaluation must not be construed as consent for initial provision of special education and related services.
- iii. The public agency must make reasonable efforts to obtain the informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability.

2. **If the parent cannot be located, do I need to get a surrogate parent?**
 - a. For initial evaluations only, if the child is a ward of the State and is not residing with the child's parents, the public agency is not required to obtain informed consent from the parent for an initial evaluation to determine whether the child is a child with a disability if—
 - i. Despite reasonable efforts to do so, the public agency cannot discover the whereabouts of the parent of the child;
 - ii. The rights of the parents of the child have been terminated in accordance with State law; or
 - iii. The rights of the parent to make educational decisions have been subrogated by a judge in accordance with State law and consent for an initial evaluation has been given by an individual appointed by the judge to represent the child.
3. **Transfer to Another RTC: Why is the exit date one day before the actual exit date?**
 - a. When a student exits from one RTC and enters another RTC on the same day, the exit date for transfer will be the day before the new entry date at the new facility.
4. **Review of Existing Data: If a student EXITS the RTC after the Initial/Extension periods of enrollment but before an RED is started, is the home school district still responsible for further review or completing an HSD packet?**
 - a. The law is very clear as to what documentation is required in order for ADE to approve and then pay the educational portion of a residential placement, and a PWN will not suffice. The HSD must still conduct a full review of existing data with the required IDEA team. If that team decides that it has enough data to determine whether the student is a student with a disability, then the team does not need to conduct a full psychological evaluation. If the team requests additional data, then the team must gather the additional data; if the student is identified as a student with a disability, then the team also needs to develop an IEP with an accompanying PWN. Minimally, the team must include the RED, with an eligibility statement, the required participants' signatures, and a PWN.
5. **Promotion to High School: A student is placed in an RTC during the summer months after he was promoted to the ninth grade. Which school district is responsible for the HSD packet?**
 - a. After receiving the promotion certificate, the new MS/HS is responsible. The elementary or middle school will need to e-mail/fax a copy of the certificate to ADE and the new HSD. Once the new HSD receives the certificate, the

school can complete the HSD packet. **It is the responsibility of the elementary school to notify the middle or high school and forward all documents.**

6. **Who should be on the team for the review of existing data?**
 - a. The determination as to whether a child suspected of having a specific learning disability is a child with a disability as defined in 34 CFR §300.8, must be made by the child's parents and a team of qualified professionals, which must include—
 - i. The child's regular teacher; or
 - ii. If the child does not have a regular teacher, a regular classroom teacher qualified to teach a child of his or her age; or
 - iii. For a child of less than school age, an individual qualified by the State to teach a child of his or her age; and
 - iv. At least one person qualified to conduct individual diagnostic examinations of children, such as a school psychologist, speech-language pathologist, or remedial reading teacher.
7. **When a school district makes multiple attempts to contact the RTC but does not receive a response, can the MET be written without the RTC input. (The residential treatment center has not returned phone calls or e-mails for us to complete the present levels, teacher information, or vision and hearing results or agree to a time to hold a MET meeting.)**
 - a. A.R.S. §15-765 (E): When a state placing agency initially places a pupil in a private residential facility, the home school district must conduct an evaluation pursuant to section 15-766 or review the educational placement of a pupil who has previously been determined eligible for special education services. The school district shall notify the appropriate state placing agency when a child requires an evaluation for possible receipt of services provided by that agency or a residential special education placement. The school district and the state agency shall jointly evaluate the child, including consideration of relevant information from additional sources, including probation or parole officers, caseworkers, guardians ad litem, and court-appointed special advocates.
8. **Is the RTC representative a part of MET team? Should the representative write a section of an integrated report?**
 - a. Yes, the RTC representative is part of the team and needs to provide input into the evaluation as per A.R. S. §15-765 (see above).
 - b. An RTC representative can attend a conference in person or by phone.

9. **The school district's concern is that the student's evaluation is due and the team needs to hold the MET meeting. Is the school district allowed to submit the paperwork without the RTC attending the MET?**
 - a. Yes, document the requested meetings and if the student qualifies for special education, make sure the PWN states that the IEP will be implemented at the RTC. Use statements such as "The multidisciplinary evaluation team (MET), which includes the residential treatment center representative . . ." The school district is ultimately responsible for completing the MET report on time, so the school should do so with any information they have despite the RTC's delay in participation.
 - b. **If a school is having problems with an RTC's not participating in the evaluation process after repeated attempts to set up a meeting, contact the ADE Vouchers unit.**
10. **Why do I have to do an evaluation?**
 - a. A.R.S. §15-765 (G): When a state placing agency initially places a pupil in a private residential facility, the home school district must conduct an evaluation pursuant to §15-766 or review the educational placement of a pupil who has previously been determined eligible for special education services.
 - b. A.R.S. §15-1183 (A): A voucher may not be issued pursuant to this article and a residential special education placement may not be made in a private residential placement facility unless the requirements of section 15-765 (G) have been met.
 - c. If a state placing agency places a child in a private residential facility for care, safety, or treatment reasons, the state placing agency is responsible for requesting an initial residential education voucher and notifying the home school district of the placement. The home school district is responsible for completing screening or other identification procedures for determining if the child is a child with a disability as defined in section 15-761 and for reviewing the placement of a child with a disability to determine whether a residential special education placement is necessary.
11. **Why do I have to pay if I do not complete the necessary paperwork, including the review of existing data?**
 - a. A.R.S. §15-1183: If an extension is denied or a home district fails to complete the requirements for a continuing residential education voucher, the home school district is responsible for payment of educational costs until the requirements of subsection B of this section have been met.

12. **A student was found ineligible for IDEA but eligible for a 504 plan. What is required?**
- a. Include the evaluation documents that found the student ineligible for special education but eligible for the 504 plan. Include a copy of the 504 plan, all PWNs involved in the process, and the eligibility determination statement.
 - b. Most schools do not do a formal review of data or eligibility determination for 504 plans. Although it is best practice, the same review is not required under section 504 as under IDEA. Sometimes the 504 plan is written after a child does not qualify for special education. So in many cases, the school will have done a RED and held a MET meeting. If the school was only preparing a 504 plan instead, they may not have done a review of existing data. But for vouchers, ADE needs documentation of what the team did and why the team decided upon the 504 plan. If it is a 504 plan, it will have a plan of accommodations and the RTC will need to follow that just like it were an IEP.
13. **An 18-year-old student has obtained his GED. Does the HSD have educational obligations?**
- a. Students with a general educational development (GED) diploma but not a high school diploma may attend and be funded. A.R.S. §15-821 states, all schools shall admit children who are between the ages of six and twenty-one years who reside in the school district and who meet the requirements for enrollment in one of the grades or programs offered in the school. A school may refuse to admit a child who has graduated from a high school with a recognized diploma.” A GED is not considered a recognized high school diploma. If a student with a GED is 18 and wants to continue his/her education at the RTC, the student is eligible for funding.
15. **A student’s IEP includes that student should be receiving speech services for 30 minutes per week, but the RTC does not offer speech services. What is the requirement for this?**
- a. AAC R7-2-402(C)(4): “In order for a private special education school to be approved by the Department for the purpose of contracting with a public education agency, the private facility shall . . . [p]rovide related services to meet the needs of the students as indicated on their IEPs.” A.R.S. S 15-101 (definitions) states that “‘Private school’ means a nonpublic institution where instruction is imparted.” RTCs are not public institutions, they impart instruction.

16. Who is responsible for monitoring the educational services while a student is in a residential facility?

- b. **A.R.S. §15-1183. Placement; voucher application requirements** (B): Responsibility for monitoring the educational services during the time a child is placed in the residential facility and for planning for transition from the private residential facility to a public school remains with the home school district.
- c. **A.R.S. §15-1185 School district responsibility; integration into a school** (A): For a child who is placed in a private residential facility pursuant to this article, the home school district is responsible for reviewing the child's educational progress and planning for integrating the child into a public school when it is educationally appropriate. (B): The private residential facility and the state placing agency shall work with the home school district for purposes of integrating the child into a public school when it is educationally appropriate.

17. Who is responsible for the IEP while the student is in the RTC?

- d. The home school district (HSD) shall regularly monitor the progress of students, ensure the annual review and revision of IEPs, and complete three-year reevaluations as applicable.
- e. Voucher approval is for one school year only. Students remaining in a residential treatment facility (RTC) from the end of one school year to the beginning of the next year require new voucher applications. Prior to the beginning of the new school year, the RTC shall submit an *Application for Continuing Voucher* funding, signed by both the SPA and the HSD. For a student who is eligible for special education services, a current IEP shall accompany the continuing application if the IEP has been reviewed or revised after the original voucher was approved.

